

**Planning, Transport & Sustainability Division**  
**Planning and Rights of Way Panel (WEST) - 27 January 2015**  
**Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> Land adjacent to Garden Cottage, Bassett Wood Drive, SO16 3PT			
<b>Proposed development:</b> Erection of a four bedroom detached dwelling to the rear of property.			
<b>Application number</b>	14/01688/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Anna Lee	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	10.12.2014	<b>Ward</b>	Bassett
<b>Reason for Panel Referral:</b>	Referred by the Planning & Development Manager due to wider public interest	<b>Ward Councillors</b>	Cllr L Harris Cllr B Harris Cllr Hannides

<b>Applicant:</b> Mr M Holmes	<b>Agent:</b> Concept Design & Planning
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<b>Recommendation Summary</b>	<b>To recommend refusal to the Planning Inspectorate</b>
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<b>Community Infrastructure Levy Liable</b>	Yes
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<b>Appendix attached</b>			
1	Development Plan Policies	2	Planning History

### **Recommendation in Full**

Had the appeal for non-determination not been lodged ahead of the Panel meeting the application would have been recommended by officers for refusal, therefore approval is sought from the Panel to recommend refusal to the Planning Inspectorate for the following reasons:

#### **01. REASON FOR REFUSAL – Highway safety**

The introduction of a four bed dwelling, extra hardstanding and parking, would lead to an intensified use of the existing access onto Bassett Wood Drive and the track road leading to the application site. The access track road is currently unmade, narrow, poorly lit and, due to the lack of passing points for vehicles, would lead to conflicts resulting from vehicles having to reverse in order to pass each other. The insufficient sightlines around the bends due to the narrowness of the track, the poor lighting conditions and overgrown greenery exacerbates the unsuitability of the track. In addition, there is no formal separation between vehicular and foot/cycle traffic leading to further issues of highway safety. As a result the proposal results in a unsafe development in highway safety terms due to the poor access and therefore the development is considered contrary to saved policies SDP1(i), SDP4, SDP11 and TI2 of the City of Southampton Local Plan Review

and Core Strategy policies CS18 and CS19 as supported by Section 5 of the Council's approved Residential Design Guide SPD (2006).

## **02. REASON FOR REFUSAL - Section 106 Agreement to secure planning obligations.**

In the absence of a completed Section 106 legal agreement to support the development the application scheme fails to mitigate against its wider direct impacts in the following areas:

- a) Failure to secure an appropriate scheme for private refuse collection to prevent issues of highway safety in line with policy SDP1(i) of the adopted LDF Core Strategy (2010) and CS13 and CS25 of the adopted LDF Core Strategy (2010) and section 9 of the Residential Design guide (2006).
- b) Financial contribution towards the Solent Disturbance Mitigation Project (SDMP) or alternative provision to reduce impacts upon the Solent Special Protection Areas in accordance with the Conservation of Habitats and Species Regulations 2010 (as amended).

### **Background**

As the application has not been determined within the required eight week period, and the applicant was made aware that it was to be recommended for refusal to Panel, an appeal for non-determination has been submitted to the Planning Inspectorate on 18<sup>th</sup> December 2014. Therefore, the Planning Inspectorate will be making the final decision on the application. The Panel can only recommend a decision and if the Officer recommendation is agreed additional reasons for refusal can be suggested by the Panel, but the Local Planning Authority can only advise the Planning Inspectorate of what the decision would have been in these circumstances.

This application would have been recommended for planning refusal following an objection from the Council's Highways Officer. Rather than advising the Planning Inspectorate of the Council's opinion it is considered necessary for the Panel to consider the scheme in light of the local representations that seek to add additional reasons for refusal. This report considers that the subdivision of the plot and the principle of residential development is acceptable, and would not necessarily harm the character of the area. This is at odds with the responses received from third parties and it is for the Panel to decide whether or not they would want the Inspector to assess any additional reasons for refusal (contrary to officer's consideration).

### **1.0 The site and its context**

- 1.1 The site forms part of the garden of a property known as 'Garden Cottage'. The track way to site is accessed from Redwood Way/ Basset Green Road. The track way is long, narrow and in the ownership of the City Council and, although not a designated public right of way, it is used by the public and has been for many years. It serves two properties; Garden Cottage and Oak House.
- 1.2 The track and the land on the other side of the track is designated in the Local Plan as public open space. The application site lies within 4 metres of the Bassett Wood Greenway Site of Importance for Nature Conservation (SINC), which is designated for ancient woodland and semi-improved grassland. These habitats are likely to support a range of protected species including bats. The site has been cleared leaving only the boundary trees. Within the site are two pine trees

which are protected by Tree Preservation Orders (TPO). One lies on the northern boundary close to the track and the other is located on the eastern boundary adjacent to the Redwood Way.

- 1.3 The property at Garden Cottage will remain and the associated garden will be sub-divided in order to provide the additional unit.

## **2.0 Proposal**

- 2.1 The proposal seeks to subdivide the site leaving Garden Cottage with a car parking area to the front and a usable garden to the rear. The scheme has been designed to prevent direct overlooking into Garden Cottage by orienting the property to face the track. Window louvres are proposed to prevent direct overlooking into the front elevation of Garden Cottage. Onsite parking for 2 cars spaces per unit are provided within a shared car parking area. Furthermore, on land owned the Council but leased to the site owner a further four visitor spaces are provided. Each property has cycle and refuse storage.

- 2.2 Following the receipt of amended plans the ground floor is formed of four bedrooms and two bathrooms. A kitchen/diner and lounge are proposed at first floor level. The proposed external materials would be a mixture of vertical timber cladding and stone brickwork, grey UPVC windows and sliding timber louvres with a modern design proposed.

- 2.3 Amended plans have been submitted by the applicant ahead of this report being considered. As these involve an amended 'red line', revised ownership certificate and would require further local notification they have not been accepted and do not form part of this recommendation.

## **3.0 Relevant Planning Policy**

- 3.1 The Development Plan for Southampton currently comprises the "saved" policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.

- 3.2 The National Planning Policy Framework (NPPF) came into force on 27<sup>th</sup> March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

## **4.0 Relevant Planning History**

- |     |   |                        |
|-----|---|------------------------|
| 4.1 | 13/01571/FUL<br>22.04.2014<br>Subdivision of existing dwelling into two flats (1 x 2-bed, 1 x 3-bed), with single storey extension to south elevation, porch to north elevation, and alteration to roof. Replacement window with door on west elevation and additional window.<br><b>(Reasons for refusal as set out in Appendix 2)</b> | Refused                |
| 4.2 | 920143/W  | Conditionally Approved |

13.04.1992

Construction of new roof to form accommodation at 1<sup>st</sup> floor level.

- 4.3 1622/W21 Refused  
06.09.1983  
Erection of 2 detached bungalows on land opposite garden cottage.  
***(Reasons for refusal as set out in Appendix 2)***

## **5.0 Consultation Responses and Notification Representations**

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, and erecting a site notice (24.10.2014). At the time of writing the report **129** representations (including the use of a standard pro-forma objection letter) have been received from surrounding residents including one from the North East Bassett Residents Association NEBRA. The following is a summary of the points raised:

### **5.2 Sub-division of a residential garden is contrary to Central Government Guidance as set out in the NPPF.**

#### Response

The NPPF does state that Council's should 'resist inappropriate development of residential gardens, for example where development would cause harm to the local area'. However, it does not state that development in residential gardens should not be allowed. Instead, an assessment of the scheme and its context is required in order to assess the impact of development on the character of the area.

### **5.3 The narrowness of the track would lead to issues of highway safety.**

#### Response

Agreed. The suitability of the track is a highway safety issue and forms a reason for refusal as part of this recommendation.

### **5.4 Design and mass is out of character due to its modern design.**

#### Response

The properties within the vicinity do not have a uniform character and vary in style and design. The site is well screened and can, in the opinion of officers, support further development in principle without harming the character of the area.

### **5.5 The proposal would lead to traffic congestion issues on Redwood Way and Bassett Wood Drive.**

#### Response

No objection has been raised from highway officers on this basis. The site will result in additional trips and, whilst the existing access isn't considered suitable for this level of intensification, there is little if any evidence to suggest congestion will result.

### **5.6 The construction of the dwelling would lead to damage in the form of wear and tear on the track**

#### Response

The impact on the track in terms of wear and tear is a civil matter and not a planning issue.

5.7 **The proposal would detract from the greenway and the wildlife that live there.**

Response

No objection has been raised by the Planning Ecologist on these grounds.

5.8 **The proposal results in insufficient car parking to serve the development and Garden Cottage**

Response

Sufficient car parking has been provided and Highway officer have not raised an objection.

5.9 **The proposal results in a loss of privacy to neighbouring properties.**

Response

The adopted privacy distances are met with adjacent properties. Although the distance between the property at Garden Cottage and the new dwelling is less than the 21m metres, as set out in the Residential Design Guide, the design of the windows with louvres prevents direct overlooking. Had the application been recommended for approval a planning condition could have secured the louvres for the lifetime of the development.

5.10 **The refuse storage is going to cause issues of highway safety**

Response

Refuse collection currently takes place from Bassett Green Close as the access track is not suited. In this case to address previous concerns about refuse collection the applicants propose a private refuse collection, which could have been secured by a S106 legal agreement.

5.11 **The proposal is an overdevelopment of the site which will cause a strain on existing utilities of which the sewage and surface water drainage is of most concern. These drainage systems are already operating at capacity.**

Response

Southern Water are responsible for drainage arrangements and have raised no objections to the application.

5.12 **The site area is incorrect**

Response

The site area has been checked and the application form and plans are correct.

**Consultation Responses**

5.13 **SCC Highways – Objection raised.**

Due to the introduction of a new separate dwelling, the level of vehicular trips using the access and track road will increase. The width of the track road is very narrow and the increase in vehicular trips along it is of highway safety concern especially as pedestrians/cyclists use the track. There should also be a vehicular passing point provided as there is an increase in traffic movements as a new unit is introduced. Upon visiting the site, it was clear that should there be a conflict between two vehicles it would result in one car having to reverse. The lack of street lighting poses a highway safety concern especially for other road users. If possible, the track should be widened to accommodate the passing of a pedestrian/cyclist and a vehicle and/or passing point(s) along the track especially at the bend where sightlines are worst. It is understood that there are site constraints especially along the track road but highway safety should not be compromised especially as the track road is used by the public. The applicant

has suggested a private collection for the refuse which is acceptable but this will need to be secured a Section 106 or a Grampian condition whichever is deemed more appropriate. For the reasons above, refusal is recommended.

- 5.14 **SCC Sustainability Team** – No objection. Suggests conditions to secure code level 4.
- 5.15 **SCC Environmental Health (Pollution & Safety)**  
No objection subject to conditions being imposed.
- 5.16 **SCC Environmental Health (Contaminated Land)**  
No objections at this stage subject to conditions restricting the risk of land contamination being imposed.
- 5.17 **SCC Ecology** – No objection Raised  
The application has been amended to remove the windows at first floor on the west elevation and therefore this reduces the risk of light pollution adversely affecting the woodland in the adjacent SINC so the objection previously raised has been removed.
- 5.18 **SCC Trees – No objection raised**  
There are significant trees on and offsite that are constraints to development. Full arboricultural information including an arboricultural method statement and tree protection information with any special engineering measures detailed will be need to be secured via condition.
- 5.19 **Southern Water** – No objection subject to an informative requiring connection to the public sewerage system.

## **6.0 Planning Consideration Key Issues**

6.1 The key issues for consideration in the determination of this planning application are:

- The principle of redeveloping this site for residential purposes;
- Design and amenity;
- Highway safety
- Ecology/Tree issues
- Development Mitigation

### 6.2 Principle of Development

6.2.1 The application site is not an allocated site within the Council's Development Plan, but it is located within a residential area with properties which greatly vary in size and style. The site lies in an area defined as requiring a low density which should generally accord to providing 35-50 dwellings per hectare. The proposal provides a genuine family sized unit with private garden. The density of the development is 20 dwellings per hectare which is lower than the density set out in policy CS5 for this area and consistent with the character of the area. In addition, the proposal will also help towards meeting the Council's housing supply requirements as set out in policy CS4.

6.2.2 The local context has dwellings which vary greatly in size, architectural style and

type of residential property. The proposal does result in a subdivision of the site involving the redevelopment of garden land but it is carried out in an appropriate manner as sufficient space is provided for both units in terms of amenity space and car parking. The NPPF in section 6 (Delivering a wide choice of high quality homes) paragraph 54 does not state that building in garden land should be resisted but, instead, states that the Local Authority should consider whether or not the proposal would cause 'harm to the local area'. The introduction of a unit in the manner proposed is deemed acceptable as it complies with policy in terms of density and provides a sufficient level of amenity for the existing and proposed dwellings.

### 6.3. Design, Density and Amenity

6.3.1 The proposed design of the dwelling is modern and attractive in design. As stated the properties within the area all differ and are not uniform so the modern nature of the dwelling would not detract from the character of the area. The development site is screened with existing and proposed trees and landscaping. The scale of development is appropriate as it is two storey in line with adjacent neighbouring properties. The residential amenities of nearby residents will not be adversely harmed. The proposed development will not give rise to a harmful sense of enclosure, loss of light, shadowing or overlooking / loss of privacy, having regard to the separation distance and the orientation of the proposed dwellings in relation to neighbouring properties.

6.3.2 As indicated above, the development has sought to restrict views to the south by proposing window louvres at first floor. It is considered critical to protect neighbouring habitable rooms (kitchen/diner and bedroom windows). In terms of the properties at Bassett Green Drive and Redwood Way the distance and dense boundary treatment surrounding the site would prevent a harmful impact. With respect to the amenities of the future occupiers the proposal provides a unit with habitable rooms that have sufficient outlook and light received. The amenity space is sufficient and usable so meets the amenity requirements set out in the Residential Design guidance. The scheme has therefore been assessed as compliant with Local Plan Policy SDP1(i) as it relates to existing neighbouring amenity.

### 6.4 Highway Safety

6.4.1 All new development is expected to be served by an appropriate and safe access. Due to the narrowness of access to the site and the length of the access way the introduction of a further unit without improvement to the track way in terms of passing bays, widening of the access and improving the road surface would result in issues of highway safety. The unmade condition of the track and poor visibility exacerbates the highway safety concern. Two cars using the track at the same time would not be able to pass each other and it is likely to result in one vehicle having to reserve down an unsafe track to allow the other car to pass. The existing properties that use the site are historic and the previous application to subdivide Garden Cottage into two units was not refused on highway safety grounds relating to the track. The refused scheme sought to provide two units with a total of five bedrooms (which is the same number of bedrooms that currently exist at Garden Cottage) so therefore the number of trips to and from the site would not have increased and therefore no objection was raised on those grounds to the previous scheme. This scheme seeks to provide a further four

bedrooms, which would intensify and increase the number of trips to and from the site and therefore lead to conflict between the existing users of the track both in terms of the pedestrians and car users. In its current form the access is not deemed suitable for the proposed intensification of use.

- 6.4.2 The provision of 2 spaces (for both properties) with a further 4 visitor spaces exceeds with the Council's maximum car parking standards (The maximum permissible for this level of development is 6 spaces). Sufficient storage has been provided for the refuse bins and bicycle storage. That said, the scheme fails to meet the requirements of Local Plan Policy SDP4.

## 6.5 Ecology and Tree issues

- 6.5.1 As the site lies adjacent to a SINC the impact of the property on the woodland area in terms of intensification of the site and trips to and from the site need to be assessed against the potential for impacts upon protected species and local wildlife. The proposed car parking area adjacent to the track is already in situ but this scheme would formalise the situation by providing an area which is bounded by a 1.5 m fence. The proposed fence would prevent any further overspill of parking in the area which is causing damage to the SINC area. A landscaping condition and lighting condition would be imposed if approval was sought to provide a suitable native boundary along the west boundary to reduce the stark impact of the development (as the site has been cleared leaving it very open). In addition a lighting condition would be imposed to control the spillage of light into the area to prevent any harm to any wildlife especially bats. On the basis that the scheme has been altered to remove windows at first floor on the west elevation (to prevent light spillage) and that a fence bounding the car parking area is proposed to prevent overspill, the scheme complies with policy and therefore no objection has been raised. The Council's Ecologist supports the scheme following the receipt of an amended plan.

- 6.5.2 The trees within the site on the boundary provide great amenity value and privacy for the site. Although the proposed dwelling is located away from the trees their protection is key. If the proposal were to be recommended for approval tree protection conditions would be secured to safeguard the trees during development.

## 6.6 Development mitigation

- 6.6.1 The development triggers the need for a S.106 Legal Agreement to secure appropriate refuse collection as the site does not lie adjacent to a public highway. There is nowhere within the applicant's land that could be used to house refuse bins adjacent to the public highway and, in addition, the travel distance for potential occupiers pushing a bin to a highway is not acceptable (although this is a current situation). If approval was sought a legal agreement would be used to secure a requirement for the land owner to arrange a private refuse collection to prevent issues of highway safety. In addition, the scheme triggers the Community Infrastructure Levy (CIL).
- 6.6.2 The Conservation of Habitats and Species Regulations 2010 (as amended) provides statutory protection for designated sites, known collectively as Natura 2000, including Special Areas of Conservation (SAC) and Special Protection Areas (SPA). This legislation requires competent authorities, in this case the



Local Planning Authority, to ensure that plans or projects, either on their own or in combination with other plans or projects, do not result in adverse effects on these designated sites. The Solent coastline supports a number of Natura 2000 sites including the Solent and Southampton Water SPA, designated principally for birds, and the Solent Maritime SAC, designated principally for habitats. Research undertaken across south Hampshire has indicated that current levels of recreational activity are having significant adverse effects on certain bird species for which the sites are designated. A mitigation scheme, known as the Solent Disturbance Mitigation Project (SDMP), requiring a financial contribution of £172 per unit has been adopted. The money collected from this project will be used to fund measures designed to reduce the impacts of recreational activity. This application has not complied with the requirements of the SDMP and, therefore, fails the requirements of the Conservation of Habitats and Species Regulations 2010 (as amended).

## **7.0 Summary**

7.1 The site is not allocated for housing but it will assist the City in meeting its housing need. Although officers are satisfied with subdivision of the site and the introduction of a further family dwelling, the resulting highway safety issues that would arise due to the intensification of this poor access do not outweigh the provision of a further unit of accommodation. As such, the application is recommended for refusal on highway safety grounds and failure to enter into a S106 legal agreement.

## **8.0 Conclusion**

8.1 The application is recommended for planning refusal.

### **Local Government (Access to Information) Act 1985**

#### **Documents used in the preparation of this report Background Papers**

1(a)(b)(c)(d), 2(b)(d), 4(f)(qq), 6(c)

**ARL for 27/01/2015 PROW Panel**

**POLICY CONTEXT**

Core Strategy - (January 2010)

CS4	Housing Delivery
CS6	Housing Density
CS13	Fundamentals of Design
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS21	Protecting and Enhancing Open Space
CS22	Promoting Biodiversity and Protecting Habitats
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP16	Noise
SDP17	Lighting
NE4	Protected Species
HE6	Archaeological Remains
CLT3	Protection of Open Spaces
H1	Housing Supply
TI2	Vehicular Access

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)  
Planning Obligations (Adopted - September 2013)  
Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework 2012  
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

**Relevant Planning History**

**13/01571/FUL**

Subdivision of existing dwelling into two flats (1 x 2-bed, 1 x 3-bed), with single storey extension to south elevation, porch to north elevation, and alteration to roof. Replacement window with door on west elevation and additional window.

**01.REFUSAL REASON - Impact on safety and convenience of users of the highway**

Without a satisfactory location and means for retrieval after collection the proposed intensification in dwellings would result in additional refuse bins being left on the public highway for long periods of time causing an obstruction to users of the public highway which would create a significant risk to highway safety. In addition, due to the excessive distance bins will need to be moved to and from the public highway with no provision of hardstanding (where the bins can stand clear of the public footpath awaiting collection) being provided this application results in an unacceptable development in terms of highway safety and residential amenity. The proposal is therefore considered to prove contrary to the provisions of saved policies SDP1(i), SDP3, SDP10(ii) and SDP11(i) of the City of Southampton Local Plan Review (March 2006) as supported by the relevant sections of the Council's approved Residential Design Guide SPD (2006) - notably Part 9.

**REASON FOR REFUSAL - Impact on residential amenity**

The subdivision of the property into two units by virtue of the change of glazing to the window in the south elevation of the building from obscured to clear glass would result in a harmful loss of privacy to the neighbouring property at 20 Bassett Green Drive. As such the proposal will have an unacceptable impact on residential amenity and is, therefore, contrary to saved policies SDP1(i) of the City of Southampton Local Plan Review (Adopted March 2006) as supported by the relevant sections of the Council's approved Residential Design Guide SPD (2006).

**1622/W21**

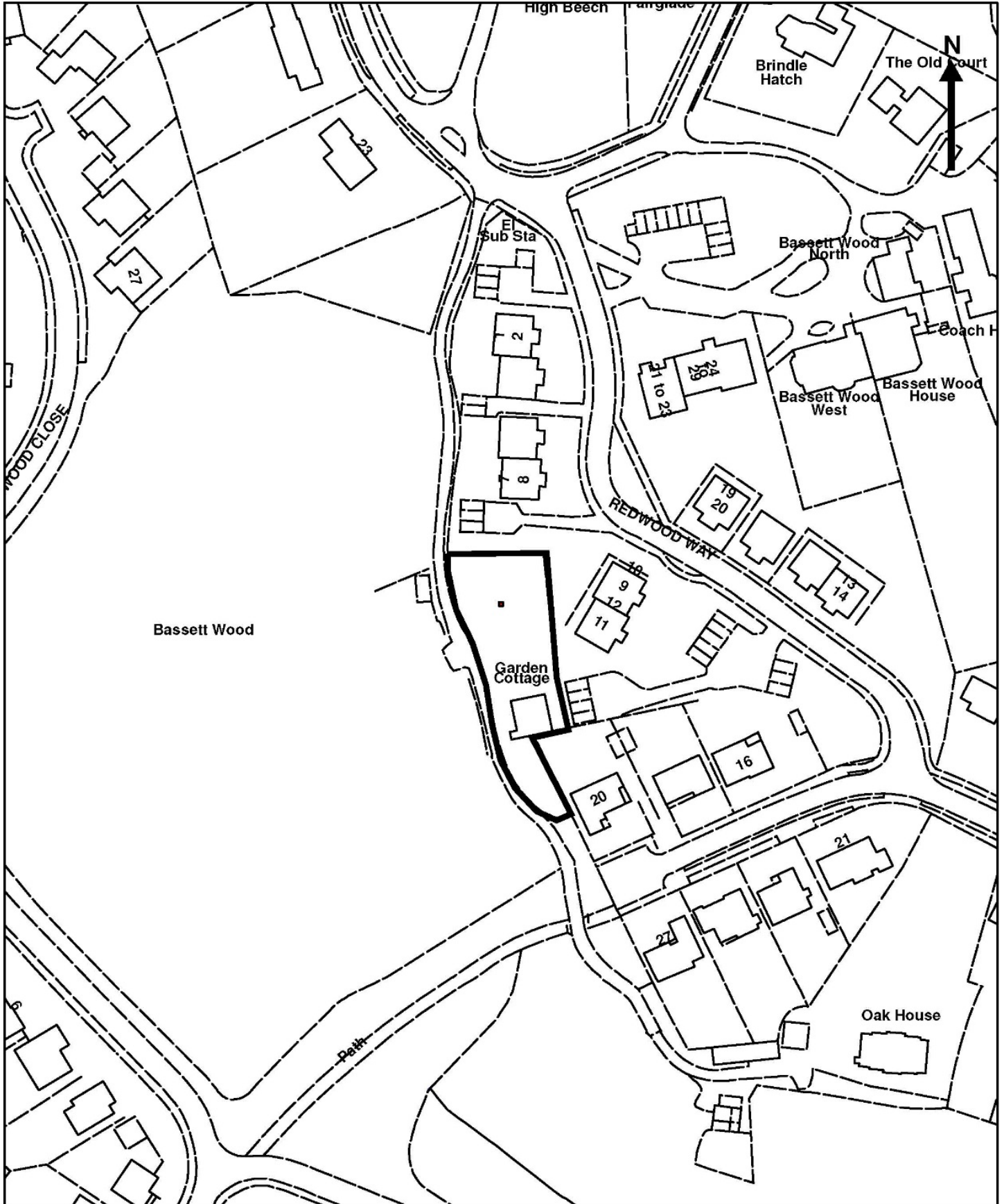
Erection of 2 detached bungalows on land opposite garden cottage.

**Reasons for refusal**

1.The proposal does not include adequate vehicular or pedestrian access to the public highway and the scheme would therefore lead to the parking of cars on the highway to the detriment of highway safety and does not provide adequate access for service vehicles.

2.The site lies in an area allocated for public open space in the City of Southampton Development Plan and where the Council are currently securing a right of public access. The proposal would detrimental to the character and amenities of the area in which it is intended that the existing land use shall remain public open space.

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